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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/809,576	03/15/2001	Akihiko Mizutani	JP920000024-US1	5895

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EXAMINER

NG, CHRISTINE Y

ART UNIT PAPER NUMBER

2663

DATE MAILED: 06/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/809,576

Applicant(s)

MIZUTANI ET AL.

Examiner

Christine Ng

Art Unit

2663

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 and 13-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 4, 8, 10 and 13-20 is/are rejected.
- 7) ☒ Claim(s) 2, 3, 5-7, 9, 11 and 21 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1, 4, 8, 10 and 17-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Referring to claims 1, 4, 10 and 17-20:

It is unclear what is meant by "back-and-forth transfer".

It is unclear what is meant by the "expected time for said communication terminals to go out of communication range", since this is based on the speed and position of the terminal.

It is unclear how the "valid time period" could be "longer than a time for back-and-forth transfer between adjoining communication terminals, and shorter than an expected time for said communication terminals to go out of communication range" in case the back-and-forth transfer is longer than the expected time for the terminal to go out of communication range.

Referring to claim 8:

It is unclear what is meant by "valid time period".

It is unclear what is meant by "short life time".

It is unclear how the "valid time period" is different from the "short life time".

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. The indicated allowability of claim 13 is withdrawn in view of the newly discovered reference(s) to U.S. Patent No. 5,821,984 to Ito et al. Rejections based on the newly cited reference(s) follow.

5. Claim 13 is rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,821,984 to Ito et al.

Ito et al discloses in Figure 5 a communication terminal (MCU 132) that enables an on-demand group communication (TV conference system) with a group comprising a plurality of communication terminals (terminals 131-1 to 131-N). Refer to Column 5, lines 8-21. The communication terminal comprises:

A storage section (central storage unit 133) for storing identification information (ID, second column of central storage unit 133) identifying each of a plurality of adjoining terminals that belong to said group, and for storing valid time period information (idle times 534 before closing time) during which said adjoining terminals belong to said group. During idle times 534 before the closing time, the MCU 132 can transmit information to destination terminals 131-1 to 131-N, so the terminals 131-1 to 131-N are part of the TV conference during respectively selected idle times before the closing time. Furthermore, if there is a plurality of destination terminals, destination

Art Unit: 2663

terminal information and closing time information of each individual terminal are entered. Refer to Column 5, lines 8-52.

A sending section (communication lines) for sending data to said adjoining terminals whose valid time periods have not been exceeded, based on said identification information and said valid time period information stored in said storage section. The MCU 132 secures a valid time period (idle time 534) of the destination terminal for data transmission before closing time and transmits the data through communication lines once the transmission reserved time is reached. Refer to Column 5, lines 34-55.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. The indicated allowability of claims 14-16 is withdrawn in view of the newly discovered reference(s) to U.S. Patent No. 5,821,984 to Ito et al. Rejections based on the newly cited reference(s) follow.

8. Claims 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,821,984 to Ito et al.

Referring to claim 14, Ito et al disclose that said storage section (central storage unit 133) stores said identification information (ID, second column of central storage unit 133) and said valid time period information (idle times 534 before closing time) of said

Art Unit: 2663

adjoining terminals (terminals 131-1 to 131-N) into a group management table (table in central storage unit 133). Refer to Column 5, lines 8-21.

Ito et al do not specifically disclose that the storage section stores additional time period information comprising said terminal's own time period during which it belongs to said group.

However, Ito et al disclose in Figure 24 that any one of the terminals 131-1 to 131-N can retrieve its own valid time periods (idle times 534) and the valid time periods of other terminals that it is planning to transmit information to. Once the valid time periods of both ends are established, the terminals can transmit information to each other during times at which the idle times periods overlap. Refer to Column 12, line 66 to Column 13, line 41. Although the MCU 132 is not specifically one of communication terminals 131-1 to 131-N, each terminal is similar to a MCU in that it is also capable of storing information about the idle time periods of other terminals. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include that said the storage section stores additional time period information comprising said terminal's own time period during which it belongs to said group; the motivation being so that the terminal can establish when its own idle time periods overlaps with other terminal's idle time periods in order to transmit information.

Referring to claim 15, Ito et al do not specifically disclose that said additional time period information stored in said group management table is updated based on said valid time periods of said adjoining terminals.

However, Ito et al discloses that the time the MCU 132 transmits information to each destination terminal 131-1 to 131-N is based on the valid time periods and closing time of each terminal. Refer to Column 5, lines 8-52. The times at which the MCU 132 belongs to a group is dependent upon when it transmits information to other terminals of the group, which depends on the idle times and closing times of each destination terminal. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include that said additional time period information stored in said group management table is updated based on said valid time periods of said adjoining terminals; the motivation being that the time in which a terminal belongs to a group is based on when it can transmit information to other terminals of the group.

Referring to claim 16, Ito et al do not specifically disclose that said storage section deletes from said group management table the information about said adjoining terminals that have exceeded said valid time periods, based on said valid time period information.

However, Ito et al disclose that if a terminal has no idle time before the closing time, the closing time is reset. This way, the information (closing time) about terminals that have exceeded valid time periods (no idle time periods before closing time) is deleted (reset). Refer to Column 5, lines 49-52. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include that said storage section deletes from said group management table the information about said adjoining terminals that have exceeded said valid time periods, based on said valid time

Art Unit: 2663

period information; the motivation being in order to conserve memory by deleting information that is no longer useful.

Allowable Subject Matter

9. Claims 2, 3, 5-7, 9, 11 and 21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christine Ng whose telephone number is (571) 272-3124. The examiner can normally be reached on M-F; 8:00 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Ngo can be reached on (571) 272-3139. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free)

C. Ng ^{CV}
June 7, 2005


RICKY NGO
PRIMARY EXAMINER
6/9/05